

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

9 DENISE DIANNA BUCHANAN, )  
10 Petitioner, ) 3:06-CV-00340-LRH-RAM  
11 vs. )  
12 WARDEN SHERYL FOSTER, *et al.*, ) ORDER  
13 Respondents. )  
14 /

15 This action proceeds on the amended petition for a writ of habeas corpus pursuant to 28  
16 U.S.C. § 2254, by Denise Dianna Buchanan, a Nevada Prisoner represented by counsel.

17 Respondents filed a motion for a stay, pending the outcome of a petition for rehearing in *Polk*  
18 *v. Sandoval*, 503 F.3d 903 (9<sup>th</sup> Cir. 2007). Respondents sought a stay in this action, inasmuch as the  
19 resolution of Ground Three of the instant petition involves issues decided in *Polk v. Sandoval*. As  
20 acknowledged by both parties in the response and reply, respondents' motion for a stay is now moot,  
21 because the Ninth Circuit has denied the petition for rehearing in *Polk v. Sandoval*. The petition in  
22 the instant case is now fully briefed and under submission by the Court.

23           **IT IS THEREFORE ORDERED** that respondents' motion for a stay (Docket #58) is  
24 **DENIED AS MOOT.**

25 DATED this 12th day of August, 2008.

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**LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE**